



CITY OF NEWTON
PURCHASING DEPARTMENT

Procedures for Departmental Purchasing

SIXTH EDITION
2021

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Introduction

This is the sixth edition of the Purchasing Department's *Procedures For Departmental Purchasing*. The purpose of any procedure or policy is to establish a process that everyone can understand and follow—a situation where everyone benefits. The worst thing would be to make exceptions and accommodations here and there; the process would soon become chaos. It is not the intent “to create a tangle of red tape or technical pitfalls for local officials.” The goal is “to proscribe an orderly framework for awarding contracts through an open and competitive process”¹ Unstated corollaries are that competition is more robust when the field of bidders is large and reducing the number of potential bidders based on supposed minor deficiencies serves no public purpose. Within these parameters, it is the goal of the Purchasing Department to do whatever we can to facilitate and preserve fair, orderly, and robust procurements in order to obtain the highest quality supplies and services at the best price.

These *Procedures* have not been updated since May 14, 2018. There were two reasons for this. First, the City decided to convert its financial software system from FinancePlus to MUNIS. It made no sense to issue *Procedures* based on an outgoing system. Second, in March 2020 the first cases of COVID were reported. Everyone was (and is) affected by the steps taken to minimize its spread. The business of the City nevertheless had to carry on, with the result that many processes—how pre-bids are administered, bid openings, and execution of contracts, for example—had to be rethought. These processes were required by COVID, but many will remain after the virus has left us.

These developments meant that FY20 and FY21 were not a typical years. Even so, in FY20 the Purchasing Department issued 82 IFBs and RFPs in an aggregate amount of \$7,353,008.

1 Office of the Inspector General Letter (1/29/92)(Braintree).

The City issued 4,351 Purchase Orders totaling \$16,314,252. In FY21 the City issued 79 IFBs and RFPs in an aggregate amount of \$8,427,508. The City issued 3,699 Purchase Orders totaling \$15,371,994. The City also made COVID-related emergency procurements totaling \$6,744,870.

The first *Procedures* book was issued in 2014. Except as noted above, editions have been issued annually ever since, to amend existing sections or add new ones and make updates to reflect changes in law and policy. This edition contains similar updates, an updated index to the Purchasing Department Monthly Newsletter (*Nick's Notes*)—which are posted under the Purchasing tab on the City Intranet—and includes 4 new topic sections.² Finally, the cover of this edition is purple, meaning it will be referred to as the Purple Book, so it will not be confused with prior editions.

The procurement laws and our Policies are based on the belief that best value is obtained by using open, fair competition. It is for that reason that all procurements (other than the exceptions noted below) are made using sound business practices, solicitation of quotes, invitations for bid (IFBs), or requests for proposals (RFPs).

To meet this goal, the City's procedures are designed to assure that all procurements are made in an orderly manner and in compliance with all applicable laws and policies. The City applies the rules described in this book to all procurements, unless a department can show that there is a compelling reason to do otherwise.

It is important to note at the outset that two sets of rules apply to the City's procurements:

- (1) **LEGAL** requirements, i.e., those based on state or federal statute or regulation; and

² Purchasing Procedures and COVID, Creating a Requisition, Attaching a Document to a Requisition & Bid Splitting.

(2) our own requirements, i.e., those that are based on City **POLICY**.

City Policies are without exception more rigorous than legal requirements. Legal requirements cannot be waived; a City Policy, however, may be waived wholly or in part with the written authorization of the City's Chief Procurement Officer and/or Chief Financial Officer.³

Where appropriate, these *Procedures* indicate whether a requirement is a legal requirement or a Policy requirement.

Not all procurements are covered by these procedures. Procurements of supplies and services, as well as public works and building construction *are* covered. However, acquisitions and dispositions of interests in real property, and qualifications-based solicitations for Owner's Project Managers, architects, and designers and for certain exempt services, e.g., trash collection, certain student transportation services, are handled by the Legal Department which follows its own documentation procedures. (See discussion of Law Department contracts and Purchasing Department contracts at p. 12 below.)

The principal statutes that apply to procurements under these *Procedures* are **M.G.L. c. 30B** (supplies and services), **M.G.L. c. 149** (building construction) and **M.G.L. c. 30, §39M** (construction other than buildings, a/k/a "public works" construction). References to these statutes are made where it is useful or appropriate.

A number of forms are referred to in these *Procedures*. Important forms are included as Exhibits.


These *Procedures* are available as printed booklets and on line. If you have a booklet and need to download a copy of one of the Exhibits, please go to <http://192.9.202.190/purchasing>, where a

³ For more information on Policy waivers, see the section "Requests for Policy Waivers," at p. 48 below.

complete copy of these *Procedures* and all Exhibits can be found. Most Exhibits are available under “forms” on the same Intranet page.

A note about the City Intranet. There is a Purchasing tab on the City Intranet which contains links not just to the forms referred to in these *Procedures*, but many other useful documents such as the Contracts Tracking (<http://192.9.202.190/contractsLC/contractC.php>) (a table listing each contract and its execution status), summaries of the City’s monthly telephone, postage and printing charges, *Nick’s Notes*, copies of the Inspector General’s procurement manuals and much more.

While we have endeavored to answer the basic questions, anticipating them all would be impossible. Please call me, Karen, Jen or Tina (617.796.1220) with any questions or comments. For information on procurement issues generally or for questions not addressed in these *Procedures*, I recommend two manuals, also on the intranet, published by the Massachusetts Office of the Inspector General: *The Chapter 30B Manual: Procuring Supplies, Services, and Real Property* (8th ed.)(11/16) (supplies and services) and *Designing and Constructing Public Facilities* (9th ed.) (11/16) (construction).



September 28, 2021

Purchasing Procedures and COVID

The Coronavirus pandemic of 2020-21 changed the way that all entities, public and private, conduct business. The City is no exception and, while in many ways the City has resumed its former practices and procedures, many COVID-based changes will stay. This applies to the Purchasing Department.

A principal change is the digitalization of contract documents. Although bids and proposals must still be submitted in hard copy, Bid Request Forms, Quote Summary Sheets, Sole Source Declarations and contract documents are now executed electronically. Electronic signatures are deemed effective under Massachusetts law, M.G.L. c. 110G, §7(b), and the City Law Department has issued guidelines on the use of e-signatures.⁴ This means that instead of multiple counterparts of a contract, there is only one, which is signed electronically by all required signers and which is delivered to departments and the vendor as a scanned digital pdf file.

All requisition back up documentation should be attached as pdfs to the req. Any signatures required will be added digitally. MUNIS allows documents to be signed without resort to printing and scanning.

On account of social distancing concerns, a drop box was installed outside the front door of City Hall. Bidders can leave bids there instead of bringing them in to the Purchasing Department. Another social distancing measure was the moving of the Purchasing Department from its office in Room 201 to a new office on the first floor Room 108, between the Rotunda and the Comptroller's Office.

⁴ See Law Department Memo, Execution of Agreements—Electronic Signature S.O.P. (5/8/20), a copy of which is attached as **Exhibit A**.

Legal Requirements vs. Policy Requirements

As noted, the City of Newton’s procurement procedures are derived from two sources: (1) legal requirements, i.e., state and federal law and (2) City Policy. The City must comply with legal requirements or its procurements are invalid, and any resulting contract is unenforceable. City Policy, however, consists of self-imposed requirements that the City has adopted as a matter of sound business practice. Policy requirements will always be stricter than legal requirements. Policy requirements may be waived; legal requirements may not.

The City has no policy requirements for public works and building construction, so only legal requirements apply.

The LEGAL requirements for the procurement of supplies and services are as follows:

0-\$9,999	\$10,000-\$50,000	Over \$50,000
Sound business practices	Solicit at least 3 oral or written quotes	Sealed bid process (IFB or RFP)

The City’s POLICY requirements for the procurement of supplies and services are more rigorous:

0-\$2,999	\$3,000-\$4,999	\$5,000-\$24,999	\$25,000+
Sound business practices	Solicit at least 3 oral or written quotes	Solicit at least 3 written quotes	Sealed bid process (IFB or RFP)

As a matter of law, you may buy supplies and services which are exempt from M.G.L. c. 30B⁵ or buy supplies and services off a state (OSD) or cooperative contract (e.g., MHEC, Plymouth County, National Joint Powers Alliance, Pennsylvania Education Purchasing Program For Microcomputers) without using

⁵ Chapter 30B exempts approximately 34 supplies and services. The statutory exemptions can be found at M.G.L. c. 30B, §1(b).

a procurement process. City Policy, however, requires the following—unless there is a compelling reason to do otherwise—even when buying exempt supplies and services or buying off state or cooperative contracts:

0-\$9,999	\$10,000-\$49,999	\$50,000+
Sound business practices	Solicit at least 3 written quotes	Sealed bid process (IFB or RFP)

The reason there are quote and bid requirements for exempt supplies and services and OSD or collective contracts is to assure that the City is getting the best value and is not paying a premium for convenience. This means that while we must take the low bid where a procurement process is legally required, the City has the option of not necessarily taking the lowest bid on when the exempt supply or service is preferable at a higher cost and the difference between that amount and the low bid price is not material. Thus, for example, if the City puts out a bid for a heavy-duty truck that is available on OSD contract VEH98 (Light Duty Vehicles), the CFO can cancel the procurement and buy the truck off the state contract even though a bid was received for a lower amount. This is of course a Policy waiver and should be documented as such.

Law, Purchasing and Exempt Contracts

All procurements are not handled by the Purchasing Department. Certain service contracts are negotiated by departments and documented by the Law Department.

Chapter 30B applies to the purchase of goods and supplies, as well as the acquisition and disposition of real property. It does not apply to all procurements. Examples of contracts where there is no specific statute dealing with procurement include goods/services exempt under M.G.L. c. 30B, §1(b), such as designer/engineer selection for horizontal construction; financing agreements for lease/purchase contracts; advertising for legal notices; and payment of a deputy collector.⁶ Procurement requirements also do not apply when procurement process is handled by a third party, as is the case in cooperative purchasing arrangements.

Each department head must certify when bills are being paid not only that the goods/services were received but that the payment is being made in accordance with law and Policy—written approval by the Purchasing Department (or Law) on the PO or contract meets this requirement. Hence both Law and Purchasing get calls asking for help in determining the right process for expending money. Both departments also oversee and document contracts, referred to as “L” contracts for Law, and “C” contracts for Purchasing. A full list of L Contracts is posted on the Purchasing page of the Newton Intranet. Go to “Contracts Tracking” and click on the yellow bar for L contracts, the blue bar for C contracts.

⁶ Other types of procurements not covered by Chapter 30B requirements include vertical construction (M.G.L. c. 149 and 149A); horizontal construction (M.G.L. c. 30, §39M); and designer selection for vertical construction (M.G.L. c.7C, §§44-57).

Documentation Requirements

All procurements must be documented. There are several reasons for this: the parties need to know what is being bought or sold and for how much and on what terms, the law requires it in many cases, and there must be some way for the City to find a record of the transaction. All City procurements are documented either through the Law Department (specialized qualifications-based service contracts) or the Purchasing Department (everything else).

Purchasing Department procurements are made by soliciting sealed bids or proposals (IFBs or RFPs) or quotes, or by issuing purchase orders (POs). The Comptroller will not pay an invoice unless pursuant to a validly executed contract or properly issued PO. POs are required even for service contracts that are sole source, exempt, or otherwise not put out to bid. Contracts are readily searchable through the bid files; other procurements are searchable using a PO or req identification number.

Although it may seem redundant, if your department has a contract that requires an annual or other periodic payment such as a rental or subscription payment or an annual service contract, create a req for the payment and reference the contract number. That way the reason for a payment or the propriety of an invoice can be easily confirmed.

* The Pre-Bid Meeting is an opportunity for potential bidders to see a job site and/or to ask specific questions. Generally, the meeting should not be mandatory unless there is a compelling reason to make it so. If you think there is a compelling reason, provide written justification to the CPO with the Bid Request Form. This is because a mandatory Pre-Bid has the effect of limiting competition since only those attending are eligible to submit a bid. If you are not sure if a Pre-Bid should be mandatory, contact Purchasing.

Solicitation of Quotes

Quotes are used for smaller purchases: you must solicit, i.e., but not necessarily receive, at least

three oral **OR** written quotes for procurements between \$3,000 and \$4,999*

and

three **WRITTEN** quotes for procurements between \$5,000 and \$24,999.

Departments can solicit quotes independently and submit a requisition for the amount of the lowest quote received from a responsive and responsible quoter. Advertised notice and sealed submissions are not required. The requisition must be accompanied by a scanned and signed Quote Summary Sheet (**Exhibit B**), together with copies of all quotes received (if over \$5,000). Whether you get quote or not, you must provide the name of each vendor solicited together with its phone number and name of the contact person. The department determines how quotes are solicited and when requisitions are submitted.

One thing to note when preparing quotes: you may want to follow up quote requests by email or fax to make sure they have been received. It is always better to try and obtain at least four or five quotes to have at least three to work with. If you solicit a quote but get no response, document that fact in writing so Purchasing knows you have endeavored to obtain at least three quotes. Follow up is also a good idea since sometimes a vendor contact can be on vacation or out sick.

* For procurements of \$2,999 or less, you may use “sound business practices.” The statute defines this as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.” In other words, when purchasing an item or service costing less than \$3,000, you should make a reasonable effort to confirm that the City is receiving a good price.

Also, a written quote need only be in writing; catalog prices or prices obtained off the Internet, if printed out and attached to the req, it meets the requirement for written quotes.

Document all efforts to get quotes, successful or not.

*For procurements of \$2,999 or less, you may use “sound business practices.” The statute defines this as “ensuring the receipt of favorable prices by periodically soliciting price lists or quotes.” In other words, when purchasing an item or service costing less than \$3,000, you should make a reasonable effort to confirm that the City is receiving a good price.

Invitations for Bids & Requests for Proposal

Invitations for Bids (IFBs) and Requests for Proposals (RFPs) are used for procurements of \$25,000 or more and are administered in their entirety by Purchasing. They are issued for building and public works construction, as well as for the procurement of supplies and services. Unlike requests for quotes which can be done relatively quickly, IFBs and RFPs will take at least a month from start to finish. Although procurements will differ, the typical IFB/RFP process is as follows:

An IFB or RFP is initiated when a department project manager fills out a standard Bid Request Form (**Exhibit C**), which is available on the City's Intranet. Ask Purchasing for help to answer any of the required information. This form is Purchasing's reference for placing advertisements: if MassDOT, DCAMM, or other information is incorrect, the advertisement will be incorrect, so please take the time to answer all parts of the Bid Request Form accurately. If the account is yet to be funded, please let Karen know. The project manager should not fill in the bottom of the form. This area is for Purchasing to insert the procurement number, the Release Date, the Pre-Bid Meeting Date (optional) and the Opening Date. Incomplete forms will be returned to the department, which may result in a delay in issuing the IFB or RFP.

2. Space provided for the procurement description is limited, but it should be clear whether the procurement is a construction project or the purchase of a supply or non-construction service as this will determine the applicable law. If you have any questions, call Purchasing.

3. Two Bid Request Forms are required.

- (a) An original hard copy Bid Request Form must be signed by the department head. A pdf copy with e-signature is

considered an original copy. The original form is reviewed, completed and submitted by Purchasing to the City's CFO or COO, who approves the procurement with a counter-signature or tells us to hold the file pending further time, information or action.

- (b). A second Bid Request Form in electronic Word format must be submitted to Purchasing for the e-file.

A procurement will not be assigned a bid number nor will work begin on the IFB or RFP until the Purchasing Department has the Bid Request Form meeting the foregoing requirements

4. When the original form signed by the CFO or COO is returned to Purchasing, a procurement file is opened, advertisements are prepared, and the procurement is assigned a bid number. Purchasing's deadline to submit ads is 3:00 p.m. Tuesday for the Newton *TAB* (local newspaper), and 12:00 noon Tuesday for the *Goods & Services Bulletin* or *Central Register* (state publications), all for publication the following week. Notice of all solicitations must be posted on the state CommBUYS bid platform. A notice of a pending bids is also posted outside Room 108. The ads and the notice must appear at least 2 full weeks before the IFB or RFP is opened.

5. Dates for bid release, any pre-bid meeting and bid opening will then be established. ONLY Purchasing sets these dates. Bid releases, pre-bid meetings and openings will be held on Thursdays. Exceptions may be made if a holiday falls during the release period or if previously agreed to by Purchasing. Exceptions to Thursday releases and openings may be made if requested and approved by Purchasing.

6. A typical maximum number of bids/proposals to be advertised, released or opened per week will be four (4).

7. Purchasing will provide to the project manager, prior to the assigned release date, a bid template loaded onto shared drive (H:). If you do not have access to the shared drive, you can ask IT to provide you access or ask that the template be emailed to you. The project manager adds a product description or scope of work. The project manager should then advise Purchasing when the bid document is updated on the shared drive or email the document in Word format to *purchasing@newtonma.gov* if you do not have access to the shared drive.

Completed bid documents must be emailed as a single file in Microsoft Word format to *purchasing@newtonma.gov* no later than 3:00 p.m. on the Friday prior to the release date. If a project manager cannot meet this deadline, a bid release may be rescheduled to the next open bid slot, which may be 1-3 weeks later depending on scheduling.

8. Purchasing will retrieve the updated template and use it to create the final bid document.

9. Current Purchasing templates are to be used **at all times**. If you create your own template or use an old document and then send it to Purchasing, you run the risk of having it delayed and/or returned to be updated to conform to the City's current format.

10. If the bid is for a new supply or service, Purchasing will request a bidders list from the project manager in our bidders list format. If this is an annual or repeat bid, Purchasing will use the bid list from

* The Pre-Bid Meeting is an opportunity for potential bidders to see a job site and/or to ask specific questions. Generally, the meeting should not be mandatory unless there is a compelling reason to make it so. If you think there is a compelling reason, provide written justification to the CPO with the Bid Request Form. This is because a mandatory Pre-Bid has the effect of limiting competition since only those attending are eligible to submit a bid. If you are not sure if a Pre-Bid should be mandatory, contact Purchasing.

its own records.⁷ Karen will send the bid list to the project manager for any additions or deletions. Changes to an existing bid lists or new bid lists must be in Purchasing's Excel format.

11. Since the RFP process allows the City to award a contract to someone other than the lowest price proposer, the department head must, with the Bid Request Form, send a justification to the CPO explaining why a low bid IFB is not appropriate for the procurement.

If a Pre-Bid Meeting or Mandatory Pre-Bid Meeting⁸ is scheduled, the project manager, or someone designated by the project manager, must attend to chair the meeting and respond to questions. A representative from Purchasing will also be present. Although bidders may ask questions and receive answers at a pre-bid, they may only rely on information provided as a response to a written question submitted to *purchasing@newtonma.gov*. Addenda will be issued setting forth all questions and all City's answers and be sent to every vendor on the bid list. This assures that all bidders have the same information, and none has an unfair advantage.

If for any reason a bid must be cancelled that has already been released or even opened, send a notice to *purchasing@newtonma.gov*. A new Bid Request Form and a new procurement file number are required.

⁷ Purchasing has 413 bid lists for different supplies and services.

⁸ The Pre-Bid Meeting is an opportunity for potential bidders to see a job site and/or to ask specific questions. Generally, the meeting should not be mandatory unless there is a compelling reason to make it so. If you think there is a compelling reason, provide written justification to the CPO with the Bid Request Form. This is because a mandatory Pre-Bid has the effect of limiting competition since only those attending are eligible to submit a bid. If you are not sure if a Pre-Bid should be mandatory, contact Purchasing.

Bids Prepared By an Architect or Engineer

Sometimes the City engages an architect, engineer, or similar professional,⁹ generically referred to as “design professionals” or “designers” to assist with procurement. If so, the designer often prepares the Scope of Work for the City’s bid document. Note that the designer is not authorized to change the title of the project or modify the bid document without first discussing the modification with the project manager and Purchasing. The designer should send its edits to the bid document electronically to *purchasing@newtonma.gov* in **ONE (1) MICROSOFT WORD FORMAT FILE** for processing. Any related drawings/plans must be sent to *purchasing@newtonma.gov* in PDF format.

Purchasing will add the prevailing wage schedule and edit and include any new forms so that the new bid document can be posted to our website. Any pre-bid meeting date and time

⁹ Technically referred to as “related professionals,” defined as

professionals engaged in professional services, including land surveying, landscape architecture, environmental science, planning and licensed site professionals, which are required to be performed or approved by a person licensed, registered or certified to provide such services as described herein, including professional services performed by contract that are associated with research, planning, development, design, investigations, inspections, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, value engineering, construction, alteration or repair of real property and such other professional services or incidental services which members of the related professions and individuals in their employ may logically or justifiably perform, including master plans, studies, surveys, soil tests, cost estimates or program, preparation of drawings, plans or specifications, supervision or administration of a construction contract, construction management or scheduling, conceptual designs, plans and specifications, construction phase services, soils engineering, drawing reviews, cost estimating, preparation of operation and maintenance manuals and other related services; provided, however, that nothing herein shall be construed to constitute regulation or oversight of any designated firms or identified professional services.

M.G.L. c. 30B, §2. The services of “related professionals” are exempt from c. 30B.

will also be posted to our website along with any DCAMM or MassDOT requirements.

Purchasing will deliver a copy of the final IFB to the design professional, who will provide 10 hard copies of both the bid document and plans/drawings by 5:00 p.m. on the Tuesday prior to the Thursday bid release date.

Paving Contracts

The City puts out several types of large paving construction contracts each year. The contracts can be funded with City funds, state funds, or both. Contractors bidding on the following projects with an estimated construction cost of \$50,000 or more must be prequalified by the Massachusetts Department of Transportation (MassDOT): (1) MassDOT or the Division of Conservation and Recreation is the awarding authority; (2) the awarding authority receives State Aid funds under M.G.L. c. 6C, § 4(b) (the “Chapter 90” program); or (3) the work is on a state road, regardless of whether the awarding authority receives funds under M.G.L. c. 6C, § 4(b). M.G.L. c. 81, § 8B; 720 CMR 5.00. When the City issues a contract under the Chapter 90 program, bidders are notified of the prequalification requirement. A list of prequalified contractors is provided by MassDOT prior to the bid opening.

All paving contracts are administered by the Engineering Division of DPW. Prior to the bid opening date the division submits a completed Chapter 90 Form to MassDOT, together with (i) the Invitation For Bid (IFB) materials item list, (ii) the IFB Scope of Work, and (iii) copies of required advertisements. MassDOT reviews the submission, requests corrections if needed, and issues a list of prequalified contractors prior to the bid opening. Contractors that are not on the MassDOT list cannot bid on the project.

A paving bid is based on Item Sheets included in the IFB. Twenty to fifty items, which include labor, are to be bid based on estimated quantities provided by the City. Estimated quantities are determined based on the City’s experience in prior years and on the contract scope of work. Thus, for example, the City might ask for a price on silt sacks (priced per sack, estimate 140); loam barrow (priced per cubic yard, estimate 240); or pavement milling (priced per square yard, estimate 64,000). Although each

contractor will provide unit prices, based on its estimates in the Item Sheets, this is not a firm contract price.

The IFB clearly states that the IFB and the resulting bid are based on estimated quantities, which are the City's best estimate based on prior experience. Actual quantities may be more or less than those estimated. Regardless of the amount of the actual quantities, the unit price(s) shall be that set forth in the Bidder's Item Sheets.

A Chapter 90 IFBs must also allow contractors to opt for price adjustments in pricing certain materials, typically fuel and liquid asphalt, when they have been determined to be integral components of the work. This adjustment is based on the difference between a **Base Price** and a **Period Price**, both of which are set by MassDOT on a monthly basis. Price adjustments are made at the same interval, but they shall only be made if the monthly cost change exceeds +/- 5 per cent. Subsequently each respective price adjustment is made as specified under each applicable and separate payment item. The Contractor, at its own election, may either choose to bid its material costs separately, or it may otherwise elect to incorporate such costs into separate bid items. In any event, the Contractor's final bid price shall include the fuel costs for all goods provided and services rendered under the contract.

After the bid opening, the division shall submit an Apparent 3 Lowest Bidders Form to MassDOT,

Addenda

In order that all potential bidders receive the same information, once a bid document is released, **ALL QUESTIONS** regarding a bid must be directed to Purchasing in writing. For construction projects, public works projects and the purchase of goods and services, project managers, architects, engineers and all other employees are not, prior to the bid opening date, to answer any questions about the bid from either the general public or interested bidders. Bidders may and will ask questions at pre-bids, but they should be reminded that the City is not bound by any oral answer given. ALL questions, even if asked and answered at the pre-bid, must be submitted to the Purchasing Department in writing to *purchasing@newtonma.gov* or faxed to 617-796-1227. Purchasing will collect all questions until the questions cut-off date specified in the IFB or RFP. At that time, Purchasing will prepare an addendum and forward it electronically to the project manager and/or designer so they can provide answers. Once answered, the completed addendum is sent back to Purchasing for release to those on the bid list. Addenda will also be posted on our website. Procurements may require more than one addendum.

Purchasing may issue multiple Addenda if appropriate,

Sole Source Documentation

A “sole source” procurement is a purchase of supplies or services without advertising or competition. M.G.L. c. 30B, §7. Chapter 30B places strict limitations on sole source procurements. You may make sole source procurements of a supply or service when a reasonable investigation shows that there is only one practicable source for the desired supply or service. Your determination that only one practicable source exists must be made in writing. The essence of the certification is “I have investigated the marketplace and determined there is no benefit to bidding since there is only one vendor that offers what I want.”

You may make a sole source procurement of under \$50,000 for any supply or service when a reasonable investigation shows that there is only one practicable source. Your determination that only one practicable source exists must be documented in a Sole Source Request and Declaration Form (**Exhibit D**). It is your responsibility to certify to the CPO that this is the only company that can provide the supply or service you require. M.G.L. c.30B, §7(a).

The Sole Source Request and Declaration Form consists of 3 sections, as follows:

1. Describe the supply/service, the amount and the start and end date for the procurement. For example, if you are purchasing a \$25,000 Bobcat with a sidewalk plow small enough to fit many of our sidewalks (20” wide). Your description would be: “Bobcat sidewalk plow with a maximum blade span of 20” and your amount would be \$25,000.
2. Describe your investigation of another source for this type of sidewalk plow. Check the internet, catalogs, plow companies you do business with, etc. Your explanation here would be a summary of the scope of your investigation and your determination that Bobcat is the only company reasonably accessible to the City of

Newton that manufactures a sidewalk plow with a maximum blade span of 20". Include any other information (e.g., that you need a modification to an existing asset that cannot be supplied by anyone but the original vendor) that limits the scope of your investigation.

3. State the reason(s) for your conclusion that the named vendor is the only practicable source. Your conclusion must be supported by a recent (60 days or less) letter from the manufacturer stating that it is the manufacturer and sole distributor of an item, in this case a 20" sidewalk plow. This letter must be dated, signed and attached to the Declaration form.

If the manufacturer cannot provide this letter because the item is sold through other distributors across the country, it is not a sole source. You would then need to find at least two other vendors and solicit quotes or advertise for bids.

You may make sole source procurements of **more than \$50,000** for the following:

- Educational materials
- Library books
- Software maintenance

Procurements from regulated industry companies (i.e., any utility companies subject to regulation by the Department of Public Utilities)

Even though you are allowed to go above \$50,000 when making procurements such as these, you must still follow the procedures set forth above.

For supplies/services over \$50,000 that do not fall into the categories listed above, you must go out to bid, even if you have determined there is only one practicable source. Thus, in the example above, if you were purchasing three Bobcat sidewalk plows instead of one, totaling \$75,000 instead of \$25,000, a bid would be required.

The Declaration and the vendor letter should be attached to the req in a pdf format.

If your product description is too specific, you may have a proprietary specification which is subject to certain rules. M.G.L. c. 30B, §14. (*See* p. xx below.) If you think this may be an issue, contact Purchasing.

Vendor Numbers & Vendor Number Request Forms

Requisitions are created by departments and submitted to Purchasing for approval. A requisition cannot be created—nor, for that matter, can a City check be issued to any person—without the vendor or payee having a vendor number. Purchasing assigns a vendor number based on the department’s request and its submission of the vendor’s IRS Form W-9. Numbers are assigned to vendors so that all future procurements from and payments to that vendor are done under its vendor number. It is possible that some vendors may have multiple vendor numbers. These may be specific to their location or service/supplies offered. Ricoh, for example, has one vendor number for machine purchases and lease payments and a different vendor number for supplies and maintenance agreements.

Each week Purchasing processes anywhere from 30-50 vendor number requests from City departments. Before submitting a request, please make sure to check in MUNIS to see if the person or company for which you intend to file a request already has a vendor number. Purchasing receives many requests for vendors who already have a number in the system.

To find a vendor in MUNIS go to *Vendor Inquiry*→*Browse*→*Yes, Continue*→[System will pull up vendor list, which may take a minute or so] →*Type in first few letters of vendor’s name.*

Before you submit a Vendor Number Request Form, please confirm that your vendor does not already have a number. Unnecessary time and effort is wasted if we assign a number and the vendor already has one.

Vendor Number Request Forms must be completely filled out. A sample of the most recent form (**Exhibit E-1**), together with a

sample Form W-9 (**Exhibit E-2**), are included in these *Procedures* and are available electronically on the City Intranet.

The following information is needed:

1. Requestor information. Your name, department and extension.
2. Type of request. Check off if it is for a goods or services or address change only. All new requests must be accompanied with a W-9 form. Companies have these readily available and can scan and email them to purchasing@newtonma.gov or fax them to 617-796-1227.
4. Address change. Put the name of the person/company, their current vendor number and the change you are making. If it is for a change to where paperwork is mailed, including POs, fill out the top section. If you are also changing the address for the vendor's accounts payable (where the checks are mailed), put a checkmark in "same as above." If the accounts payable address is different, check off "different address" and fill that section in. The email address is not required for refunds. Purchasing will need something in writing clearly stating the address change is coming from the vendor. This can be something on its letterhead or a new W-9 form. For a change of a remit to address, a vendor invoice will suffice.
5. Change the name of a company or individual. A new W-9 form will always be required. For an individual, this type of change can occur when someone gets married or divorced. In this instance, the change would be made but a new vendor number would not be required. If a company changes name, a new vendor number is issued.

In all cases correctly fill out the name of the company or individual, mailing address, accounts payable address, phone number and email address. You may need to Google the company or individual or call to make sure you have the correct information. If you received a W-9 to submit to Purchasing, please make

sure you can read the social security or employer identification number.

With the adoption of MUNIS, the City hopes to start issuing POs electronically, so an email address is required for all new vendor number requests. Provide a general email address rather than an address for a person. General email addresses stay the same, but people leave. (Websites are not accepted.)

The City used to require a separate vendor number for each City refund. The City has changed this practice and refunds are now issued under a single omnibus vendor number. Please contact the Comptroller with any questions about refund vendor numbers.

Please keep in mind that employees of either the City of Newton or Newton Public Schools do not receive vendor numbers. Any payments or reimbursements due them will be made through payroll. This is done through the Comptroller's office.

Incomplete or incorrect forms will be returned for completion.

Tax Exempt Certificates

As a municipality, the City of Newton is exempt from income and sales taxes. Vendors and contractors need not pay sales tax on materials to be used under City contracts. However, merchants need the City's authorization to waive sales tax. They can do this based on tax-exempt certificates issued by Purchasing.

There are two types of tax exempt certificates: Form ST-5, Sales Tax Exempt Purchase Certificate and ST-5C, contractor's and sub-contractor's Sales Tax-Exempt Purchase Certificate. Both are state Department of Revenue (DOR) forms that certify that the City is a municipal entity not subject to sales taxes. These certificates are issued by Purchasing for a vendor or for a department for a vendor's use. When a vendor presents the City-issued certificate when purchasing supplies to be used on a city contract, the merchant cannot charge sales tax.

All department requests for tax exempt certificates should be sent to purchasing@newtonma.gov. When requesting a tax-exempt certificate, make sure our contractor has provided the following information in the Certificate:

1. Name of the Company
2. Full Address
3. Email address, phone # and fax number to send tax exempt certificate to
4. Reason for requesting certificate, i.e. blanket order, contract #, PO # or even a single item

Purchasing will complete and sign the necessary form and return it to the vendor. **We do not give departments blank tax-exempt certificates.**

If a vendor requests an ST-2 (Certificate of Exemption issued by the DOR to the City), a copy will be provided along with the ST-5.

Requisitions and Purchase Orders

In FY21, Purchasing issued 3,699 purchase orders (POs) totaling \$15,371,994.¹⁰ A PO is created when a requisition is properly documented and fully approved. A requisition is a request by a department to purchase a specified supply or service. After a requisition is approved, it is converted to a purchase order (PO), which is the City’s instruction to a vendor to provide a supply or service. Most of requisitions are converted to POs within 3 days of their creation. POs initiate a procurement; they are not used to pay bills.

Approved POs are printed and mailed from the City’s Print Shop unless the Department includes “Do Not Mail” in the req, in which case the PO is delivered to the department which is then responsible for its transmission to the vendor. Because of the increased chance of fraud with “Do Not Mail” POs, this should be an exception and not the norm.

Requisitions under \$100: If possible avoid requisitions for under \$100. The time required to approve, convert, print, separate the copies, file them and mail out the copy to the vendor is not justified for small requisitions. When buying off a state contract or from a vendor the City uses repeatedly, bundle procurements to make larger requisitions. This will result in an open or blanket PO, against which invoice payments can be charged until the PO amount is used up.

Blanket Orders: A blanket order is an instruction to a vendor of an intent but not an obligation to purchase supplies or services in a specified amount without naming those supplies or services. It is also referred to as an “open” requisition.

Scanning into MUNIS: All support documentation for a req must be attached to the req; Purchasing will not accept hand

¹⁰ The dollar value of all bids for the same period was \$15,172,378.

delivered, faxed or emailed sole source declarations, vendor letters, quotes, or summary sheets, When documentation is attached to the req, it is easy to retrieve and always available. You can scan directly into MUNIS yourself. (See **Attaching Documents to a Req**, below.)

Viewing Approval Status. If you want to know the status of a requisition, using the req number, look up the req. Click on *Actions/Approvals* [street light image]. Each req has 5 approval steps: Step 10 (Department), Step 20 (Purchasing Level 1/Tina), Step 30 Purchasing Level 2/Nick, Step 40 (Comptroller) and Step 50 (CFO/COO). Approval at a Step is indicated by a thumbs up. If your requisition has been rejected as needs correction, a short explanation will appear in a box entitled “Comments.” If all approvals are in place but your requisition hasn’t converted to a PO yet, call Purchasing. A req should convert to a PO automatically once all approvals have been given and the PO is printed.

If a PO is over \$50,000, it must be countersigned by the Mayor. The scanned PO is sent to the Mayor who signs and returns it to Purchasing. The Mayor’s approval does not appear in MUNIS. As soon as a PO returns from the Mayor’s office it is sent immediately to the department.

Requisition Back Up. In FY 2021 the Purchasing Department issued 3,699 POs totaling \$15,371,994. Even though POs account for about 50% of all procurements in terms of dollars, in terms of transactions there are over 200 times as many POs as there are bids. Under City Policy procurements of \$3,000 or more require oral or written quotes. Other times a Department may elect to use a sole source, in which case a Declaration and vendor letter must be provided. Still other times a waiver to Policy is requested and must be approved in writing. Certifications by DPW or the Executive Department (*see* below p. 49) may be required as well. Regardless of what documentation may be needed, it must be attached to the req. Accordingly, any req submitted without the supporting documentation attached to the req will be returned

as “Rejected.” It does not matter if you have or think you have provided the documentation in some other manner: the req will still be returned if all supporting documentation is not attached in MUNIS. The reason for the Reject will be noted in the req comments.

Creating a Requisition

These are step by step instructions on how to create a typical requisition:

From Munis Homepage, select “**Requisitions**”.

Then select the “+”(ADD) button and the system will open a new requisition. (Please take note of your new requisition number).

Using the TAB key, tab thru and make entries in the following fields:

- Description: (enter only a general description here (e.g., office supplies, paper)
- Buyer: (enter your name here)
- Need By Date: (enter the date you need the product)

Once complete, select “**Add Items**” on lower left side. The system will change screens and take you to the next page of the requisition. Using the Tab key, tab thru and make entries in the following fields:

- Description: Enter a detailed description of what you are buying here. If you do not want your PO mailed to the vendor, please indicate “DO NOT MAIL” in this area as well. Also, if you are buying under a state or other government contract, the number of the contract, e.g., **OFF28**. If you are purchasing under a statutory exemption, that should also be specifically indicated, e.g., “Exempt procurement 1(b) (20).” If you are purchasing from a sole source, so indicate by inserting “SS” and a short version of the vendor name, e.g., **SS-Elgin**.
- Vendor: (enter vendor number and be sure the correct address comes up for your vendor or you may have the wrong vendor number)
- Email: (enter your email address)

- Qty: (enter the number of items you are buying)
- Unit Price: (enter the cost of each item you are buying)

Once complete, TAB down to **Allocation Code** and enter GL information, e.g.,0110540-572300 - Dept Number & Budget Code.

Click the **SAVE** button when done.

If no other changes are needed and requisition is complete, select the “**Release**” button in the task bar above (under workflow area). Then click “OK” and your requisition will move forward in the approval process.

Attaching a Document to a Requisition

If you have an attachment required for a requisition, follow the steps below. If you forget to attach pertinent documents that are required, your requisition will be rejected.

Click on the “**PAPERCLIP**” (Attach) icon located on the top task bar.

A window will open and then click on “**Requisition Attachment**” and the screen will open up the attachment folder.

Click on the “+” (create new document on the task bar above)

Select “**Import Attachment**” button (on task bar 7th from the left...upward arrow with underline) then click on “**Choose File**”.

Locate and select the file you wish to attach.

Hit the **Import** button and document will upload and be viewable.

Then click on “**Attachment Title**” on right side of the screen and enter a title for your document (e.g., Quote for Req #222, Lease Agreement for Req #222).

Once complete, you must “**Save**” the attachment by clicking on the task bar icon that looks like a “floppy disk”. (2nd icon from left side)

Then close this window by selecting the “**x**” (close viewer) on upper right side of screen.

Then close the next window (Defined Mapping) the same way by selecting the “**x**” on the right side of the screen.

You are now back to the main screen. If you look at the **PAPERCLIP** icon on task bar above, you can see that you were successful in attaching your document.

If no other changes are needed and requisition is complete, select the **“Release”** button in the task bar above (under workflow area). Then click **“OK”** and your requisition will move forward in the approval process.

For status on your requisition location, enter your req # on the original “Requisition” page and click on what looks like a street light (Actions/Approvers) and you will see where your req is in the approval process.

Change Orders and Increases On Active Contracts

It often happens that an estimate does not fully anticipate what will actually be needed under a contract. Fortunately, the statutes allow for adjustments to existing contracts. The rules are different for construction contracts under M.G.L. c. 149 or c. 30, §39M and contracts for supplies and services under c. 30B. Changes to construction contracts are called **change orders** and they can amend the scope of work and contract price as a result of unforeseen changes in circumstance (within certain parameters) by adding or subtracting work at mutually agreed upon prices. However, if the change is an increase to a set unit-priced (per ton, per hour, and so forth) supply or service, the quantity but not the unit price can be changed. Changes to c. 30B contracts are called **increases**, and they can only increase the **quantity** of the supply or service on the same terms as underlying contract and in any event in the aggregate amount no more than 25% of the original contract amount.

Change Orders. For construction contracts, M.G.L. c.30, §39I states that any change to a construction contract can only be made in a written document signed by a person duly authorized by the City. The form for change orders, Public Construction Change Order Certification, is found under the “Purchasing” tab on the City Intranet. The Certification requires information about the change and the justification for it. No change order justification is needed for an increase based on existing unit prices. The Certifications should simply state, “Increase is based on unit prices set forth in the Contract.” There is no dollar or percentage cap on unit increases for contraction Change Orders. Like the Bid Request Form, the Certification must be signed by the Department Head and submitted to the Purchasing Department. If the Certification is proper in form, the Purchasing Department will prepare a Change Order agreement and send

it to the contractor for signature. Upon return it is executed by the CPO, the Department Head, the Comptroller, Legal and the Mayor—in the same manner as the original contract. Under no circumstances is it appropriate for any person acting on his or her own to seek to unilaterally modify a construction contract. Any such attempt to modify is of no legal effect and vendors cannot be paid for work done in reliance on the modification. Other consequences are possible liability to the City, a surety's refusal to pay under an invalid contract or a claim against the person by the contractor for misrepresenting his or her authority.

Increases. The rules for supply and services contracts under M.G.L. c.30B are different. Under c. 30B no change can be made to a contract except to lower the contract amount without a change to the scope of work or specifications. Chapter 30B does, however, allow the City and the vendor to increase a contract in an aggregate amount of up to 25% of the original contract amount provided the following conditions are met: (1) the unit prices remain the same or less; (2) the CPO states in a writing that the increase is necessary and more advantageous than a re-bid; and (3) the parties agree to the increase in writing. Thus, for example, if the City enters into a contract to buy 50 chairs for a total contract price of \$12,500 ($\$250 \times 50 \text{ chairs} = \$12,500$) and 25 percent of \$12,500 is \$3,125, the City may purchase an additional 12 chairs for a cost of \$3,000 as such cost does not exceed 25 percent of the original contract price.

Note that in a change order the scope of work may be changed; for unit-priced based change orders and increases, the volume of the contract is increased but the scope of work remains the same. (Increases and change orders should not be confused with extensions. Extensions are contractual rights to renew a contract term and are specifically provided for in the initial contract.)

Bid Splitting

Under current city policy supplies or services estimated to cost \$3,000 to \$5,000 must be procured by soliciting at least 3 oral quotes; where the estimated cost is between \$5,000 and \$24,999, the City must solicit at least 3 written quotes. From time to time multiple reqs to the same vendor are submitted for low dollar amounts which, taken together, cross a procurement threshold. Such situations raise the issue of bid splitting.

There are two concerns when multiple small low dollar procurements are made from a single vendor; (1) that purchases are being split to avoid statutory requirements and (2) that the City is paying higher prices simply for convenience.

Bid splitting is illegal under the statute. M.G.L. c.30B, §11. The essence of the prohibition is intent, which can be objective (the buyer had the actual intent to evade the law by subdividing procurements) or subjective (the buyer should have known that procurements would in the aggregate require some sort of procurement process).

The existence of objective intent (established by documentation of pattern of dealing) is fairly straightforward. Subjective intent, which applies in most cases, is less so. If the City purchases, say, hardware supplies over the course of a fiscal year where individual purchases are less than \$1000 but aggregate purchases for the year are \$8000, the City has experience information that says that its annual expense for occasional purchases is \$8000. This would not be problematic if the City was making purchases from multiple vendors. But when a single vendor is consistently getting the whole \$8000 worth of business, there is an understanding which is arguably an implied contract which triggers the requirements of M.G.L. c. 30B. The City should seek quotes for a representative sample of supplies and award the occasional hardware purchases to the lowest quoter.

In the event Purchasing receives multiple reqs for the same vendor within a short time frame, the reqs may be rejected pending an explanation of why multiple reqs were used instead of a single req.

Proprietary Specifications

Although the construction and supplies and services bid laws are premised on fair and open competition, they do allow the use of so-called “proprietary” specifications under certain circumstances. A proprietary specification either uses a specific brand name or is written so restrictively that only one vendor or manufacturer can supply the desired service or item. For example, the City may have standard door hardware (which it procured through a bid process) and wants to inventory the same brand hardware for replacements and repairs. Because such specifications use a brand name or are written in a way that only one vendor can bid, they are presumptively anticompetitive, and the statutes require a written justification for their use. The written justification is to be available to the public on request.¹¹ Departments that include proprietary specifications in their IFBs or RFPs must provide Purchasing with a signed, credible written justification for their use prior to the bid release explaining why no other description will suffice. (Remember, competitors and vendors have the right to look at it.) If you have not given the Purchasing Department the written justification, your bid release may be delayed. Note that even if you use a proprietary specification, you still must go out to bid since there may be more than one source for the proprietary item or service.

¹¹ The exact requirements depend on whether the procurement is for construction (c. 149 or c. 30, §39M) or supplies and services (c. 30B). For construction refer to M.G.L. c. 30, §39M(b); for supplies and services refer to M.G.L. c. 30B, §14.

Credit Card Usage

The Mayor has authorized the CPO to hold a City credit card for occasional use for (1) emergencies, (2) purchases where a vendor does not accept a PO or (3) a PO is not practicable, e.g., purchase of an airline ticket. Credit card use is limited to situations where no other form of payment is possible or practical. Departments which feel that a credit card purchase is appropriate should consult the **Credit Card Usage Request Form** under the “Purchasing” tab of the City Intranet (**Exhibit F-1**) and the Comptroller and Purchasing Offices Credit Card Procurement Policy (**Exhibit F-2**). The Usage Request Form should be completed and returned to Purchasing for any credit card purchase. If a credit card payment transaction is approved, it will be handled by Purchasing to keep the card number confidential. If during a snow emergency, for example, a City employee goes to Home Depot for supplies, Purchasing will talk directly to the Home Depot cashier. A credit card can be used only for the procurement shown on the Usage Form: any exchanges, refunds or charges related to a purchase are to be treated as separate uses requiring separate Usage Forms. We discourage the use of recurring charges on City credit cards. Recurring or unauthorized charges are problematic because they may go stale, the vendor may increase its charges, they reduce available credit, and the funds needed to cover a recurring charge are not always in a department’s account when the credit card bill is received.

Because the available credit on the City card is limited, it cannot be used as a convenience or for purchases in the ordinary course. Accordingly, completion of the Usage Form does not assure your purchase will be by Card as there must be an appropriate justification as well. Your purchase will also not be made if there are insufficient funds in your account shown on the Usage Form.

The CPO can be contacted at any time (617.909.1623) for emergency credit card purchases.

Surplus Property

In any case where a department decides it no longer needs an item, it must make a determination of its value. This value determines the procedure that must be followed. If the supply is worth \$10,000 or more, the City must use a sealed bid process and award to the highest bidder. If the supply has a value of less than \$10,000 and is not considered “trash” (as defined below), the following procedures must be followed:

1. The department submits a completed and signed **Notification of Surplus Property** form and (if possible) a photograph of the item(s).
2. Purchasing will either (i) post a notice on the City Intranet or (ii) send an email offering the supply “as is” to city departments for 14 days on a first come, first served basis.
3. Whatever supplies remain shall be offered to the general public under the Purchasing tab of the City’s public website for the highest offered price, also for 14 days.
4. For any supplies not disposed of to city departments or the general public, or for supplies valued at less than \$50, the CPO may dispose of the supply by either
 - (a) donating the supply to a tax exempt, nonprofit organization that expressed an interest in the supply;OR
 - (b) disposing of the supply as trash.

The city may dispose of a supply as trash without following if it

- (a) is badly damaged and cannot be repaired or the cost to repair exceeds the value of the property if repaired;

AND

- (b) has no salvage value or is worth less than \$50

Property which is not damaged yet has no salvage value may also be disposed of as trash.

If the city or a city department concludes that an item of property meets the requirements for trash, it should complete the **Request to Dispose of Property as Trash** form found under the “Purchasing” tab of the City Intranet and submit it, signed by the department head, to the Purchasing Department. After determining that the Request is in proper form, the Department shall return the Request to the sender and the department shall (1) offer the supply to the DPW Recycling Manager for possible recycling and, if the Manager is not interested, (2) discard the property by whatever means it deems appropriate.

Employee Reimbursements

Sometimes a department needs an item and—rather than putting in a requisition—a department employee uses his or her own funds to purchase it. It is not a good practice for employees to purchase supplies or services with their own funds and then expect reimbursement from the City: this is a public procurement without any of the proper controls. If employees purchase items other than the limited supplies or services appropriate for reimbursement, e.g., gas, lodging, travel, they are bypassing the procurement safeguards and opening the door to possible abuse since the City only gets notice of a purchase made on its behalf after the supply or service has been delivered and the vendor has been paid. Also, since sales to employees are taxable, the City will either have to reimburse for the sales tax or reimburse for the item price only, with the employee having to recover the paid tax from the merchant. **It is City policy that no purchase reimbursements will be made unless authorized by Comptroller policy or by the Comptroller’s office prior approval of a specific purchase.**¹²

¹² The Comptroller’s Employee Reimbursement Form can be found under the “Accounting” tab of the City Intranet.

Requests For Policy Waivers

As noted above, City Policy requires that departments obtain quotes for ordinary procurements of \$3K-10K and when purchasing off a state contract when the procurement is \$10K-50K, and obtain bids when buying off a state contract when the procurement is over \$50K. See *Procedures*, pp. 10–11. For procurements of \$25,000 or less, these requirements may be waived by Nick; waivers for procurements of more than \$25,000 must be approved by Nick and Maureen or Jonathan.

All waiver requests must be submitted to Nick. The request asks that Policy be waived wholly or in part, e.g., where quotes are required, using sound business practices or where bids are required, soliciting quotes.

The request must state the justification for a waiver. The justification is a written statement of your reasons why following Policy will be detrimental or provide no benefit to the City or the project. You should make your request as persuasive as possible. Also include what, if anything, it is you are prepared to do to promote open and fair competition.

In order to make sure Maureen gets only requests that are properly vetted and recommended by Purchasing, all waiver requests must, as noted, initially be submitted to Nick. The written request may be addressed to Maureen, but I will forward it to her with my recommendation only when the request is made in accordance with the foregoing guidelines.

The CPO may come back to you seeking clarification.

No particular form is required as long as it is in writing and the content is adequate. If approved, the request and its approval will be attached to the req.

Certain Purchases Require Special Approval

Certain procurements require that additional documentation be attached to the req: (i) IT must approve all purchases of computers and computer equipment; (ii) DPW must preapprove ALL vehicle purchases (except Fire Department vehicle purchases) **and** certify that any passenger vehicle purchase meets the requirements of or is exempt from the Green Communities Act (GCA); and (iii) written approval of the Executive Department is required for all meals and food purchases. Departments are responsible for obtaining written pre-approvals for IT equipment, which should be attached to the related req. However, departments must obtain all required DPW and Executive Department approvals and attach them to the req. Reqs submitted without the required documentation attached will be returned as “Rejected.”

1. **Computer Equipment.** IT reviews hardware and software purchases to ensure that it knows what is going on, ensures that it has assisted in getting pricing, and that it keeps people on track with its single vision for Newton technology moving forward. Every req for computer hardware or software must have IT’s written approval attached.
2. **Vehicles.** Under City Ordinance §25-3, the DPW Commissioner is responsible for overseeing virtually all City vehicles.¹³ Accordingly, all motor vehicle and related equipment purchases (except for NFD) will require the prior written approval of the DPW Commissioner.

In addition, pursuant to its acceptance as a Massachusetts Green Community, the City has adopted a vehicle purchase policy which requires purchased vehicles to meet certain MPG

¹³ “The commissioner of public works shall have charge of ... maintenance of all city-owned motor vehicles, excepting those motor vehicles in the custody of the fire department.”

thresholds. Public safety vehicles and vehicles over 8,500 gross vehicle weight are exempt. Accordingly, whenever a department is purchasing any type of vehicle, regardless of how purchased (new or used, from a dealer or at auction), it can only buy vehicles that are either (i) exempt or (ii) meet the GCA minimum mileage requirements. Accordingly, all motor vehicle purchases require the prior written approval of the DPW Commissioner. The current GCA mileage requirements are shown below; these will be updated from time to time as needed:

2 wheel drive car: 30 MPG

4 wheel drive car: 29 MPG

2 wheel drive van 22 MPG

4 wheel drive van 20 MPG

2 wheel drive pick-up truck: 21 MPG

4 wheel drive pick-up truck: 18 MPG

2 wheel drive sport utility vehicle: 24 MPG

4 wheel drive sport utility vehicle: 21 MPG

Hybrid or electric vehicles in these vehicle classes will meet these criteria.

The Commissioner's approval and GCA certification must be attached to the req.

For more information of GCA vehicle (Criterion 4) requirements, see <https://www.mass.gov/guides/becoming-a-designated-green-community#-criterion-4>

3. **Meals and Entertainment.** Requisitions for meals or entertainment require prior written approval of the Executive Office. The approval must be attached to the requisition. If the payment is to be a reimbursement, prior approval of the Comptroller is also required.

Emergency Procurements

Emergencies may require expedited procurements. During the COVID pandemic of 2020-21, for example, the City undertook HVAC repairs and bought public safety supplies costing well over \$6 million without going out to bid. This is permitted if, due to an unforeseen emergency, the time required to comply fully with the applicable procurement statute would endanger the health or safety of people or their property. Under such circumstances, we may procure a needed item or service without complying with all legal requirements. Even under emergency circumstances, however, the City must comply with the law to the extent possible. For example, if we do not have time to advertise for two weeks, we can shorten the advertising period; or, if we have no time to advertise, we can solicit quotes. We may procure only those supplies or services necessary to meet the emergency.

For c.30B procurements, Purchasing must maintain a record of each emergency procurement, documenting the basis that an emergency exists, the name of the vendor, and the emergency procurement amount. Notice of the emergency procurement must be published as soon as practicable to the *Goods and Services Bulletin*. To assure these requirements are met, Purchasing must receive a copy of a completed and signed **Emergency Procurement Data Sheet**, and example of which is provided as **Exhibit G**, before a req is approved.

For the emergency procurement of construction services under c. 149 or c. 30, §39M, e.g. HVAC upgrades to assure sage air quality, prior written approval of DCAMM is required. Since in such situations an immediate repair is required to protect life and property, the City must submit a written request explaining the nature of the emergency and what if any steps it will take to get a best value price. DCAMM is both responsive and reasonable in granting waivers as long as the documentation requirements are met.

Contract Execution & Funding

Once a bid is opened, its status through the approval and contract execution process is tracked under “Contracts Tracking” on the “Purchasing” tab of the City Intranet. The City does not send an award letter to a winning contractor. The contractor receives the contract (which it has already seen as an attachment to the IFB or RFP) by email, e-signs or prints and signs one copy and returns to Purchasing the contract with required supporting documents. Once we have determined everything is in order, the contract is e-signed by Purchasing, the department, Comptroller’s, Legal and the Mayor—in that order. If you want to know where a contract is in the process, check the “Purchasing” tab on Intranet under *Annual Contract Log + Year* for approval status and *Contract Tracking* for contract execution status.

Execution status checks are only effective if a signatory enters its signature date in the log. If the date is not entered it is impossible to tell where a contract is in the execution process. Entries into the log should be made at <http://192.9.202.190/contractsLC/contractC.php>.

The reason a contract goes to the Comptroller is so that she can certify that there are sufficient funds to cover the City’s payment obligation under the contract. The Bid Request Form that initiates a procurement requires identification of the source and location of funds for the procurement. However, because the specifics of a procurement may not be fully settled when the Bid Request Form is submitted, the designated funds are not yet available, or the accepted bid is higher than the estimate, the required information may be accurate, or it may be incorrect or incomplete. Whatever it is, this is the account Purchasing includes in the contract. To make sure contracts going to Comptroller’s do not have to be returned, whoever is signing a contract on behalf of a department should do so only after he or she has entered current and accurate funding information. Contracts that go to Comptroller’s without

this information, or which are incomplete or inaccurate in this respect, will be held until the Comptroller has received accurate account information.

Failing to verify and correct, if necessary, the final funding information will delay the execution of a contract.

So contractors are aware of the City's procedures, all contract transmittal letters include the following: "Please note that any contract you sign and return has to be processed by several City departments before being signed by the Mayor. You will not receive a fully executed contract or be eligible for payment until this process is complete."

Procurement Procedures For Community Projects

The City not only has policies for its own procurements, but also has policies applicable to private persons who receive public funds administered or awarded by the City. Our Newton Community Development Corporation (NCDA) operates out of the Planning Department and lends or grants federal Department of Housing and Urban Development (HUD) funds to Newton homeowners for deleading and rehab. The City also grants monies to private nonprofits for various community development purposes, mainly to build and operate affordable housing. Funds for these projects come from HUD, from Community Preservation Act (CPA) grants, and other sources.

When it comes to spending the taxpayer's money, no matter how little the amount and regardless of whether or not the money comes from Newton residents, it is important to ensure that the developer to which the City has granted funds uses sound business practices. The funding agencies from which Newton receives the money have no specific procurement requirements; HUD requires only that we follow "sound management practices." The City has decided that it is a sound management practice to require substantially similar processes for grants as it does when spending its own funds.

Accordingly, when the NCDA undertakes a building project or a nonprofit receives funds to renovate a building for affordable housing, the following thresholds apply: up to \$10,000, sound business practices; \$10,000-\$25,000, solicit at least 3 quotes; and over \$25,000, sealed bids. A copy of the City's Procurement Policy for Affordable Housing Projects is available by contacting the Purchasing Department.

These thresholds are not the ones that apply when the City does construction projects on its own behalf. City departments may think the Procurement Procedures For Community Projects apply to their work, but they do not.

Prevailing Wage and Davis-Bacon Laws

(a) *Massachusetts Prevailing Wage.* Massachusetts law requires public entities to pay a minimum wage for certain service—mostly construction—contracts. The law is called “prevailing wage” because the minimum wage it uses is based on union trade contracts in effect in the area where a city or town is located. The Prevailing Wage Law applies to the construction of public works by the commonwealth, or by a county, town, authority or district. G.L. c. 149, §§26, 27. Accordingly, in determining the applicability of the Prevailing Wage Law to a particular project we must consider the following questions: (1) is the project “construction” or (2) is the project a “public work” within the meaning of the statute. In general, consideration of whether a project constitutes construction is fairly straightforward. However, in the context of projects which include both public and private elements, such as construction or renovation of a public structure or facility with private funds, the analysis of whether the project is a “public works” project and whether it is being undertaken “by the commonwealth, or by a county, town, authority or district” can be more complex. The Prevailing Wage Law also covers many service contracts which are not construction projects, e.g., rental of trucks and school buses, moving office furniture, catch basin cleaning and trash collection.

The wages are set by the state Department of Labor and the Purchasing Department must request a schedule of wage rates for each new contract and any extension. To confirm compliance with the law, contractors must file weekly project payroll records with the City. If you have any questions about whether the Prevailing Wage Law applies, call the Purchasing Department.

(b) *Davis Bacon.* In addition to Massachusetts Prevailing Wage, there is a federal prevailing wage statute called the Davis Bacon Law. It establishes its own prevailing wage rates in a way similar to the state law, using local union contracts. Davis Bacon and

Related Acts are federal labor laws and standards that apply to federally funded or assisted contracts being funded with U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) and/or HOME Investment Partnerships (HOME) Program monies. The Davis-Bacon Act (40 U.S.C., 3141) requires payment of prevailing wage rates as determined by the federal Department of Labor, and other compliance measures, to laborers and mechanics undertaking work supporting federally-funded construction projects. Laws generally apply to projects exceeding \$2,000 in value that are performing construction, alterations, repairs, painting and decorating. Thresholds triggering Davis-Bacon rules and regulations may differ based on the types of activities to be undertaken.

These regulations are intended to provide a fair opportunity to compete in building programs funded by the Federal government and prevent contractors from bidding below an area's prevailing wages. For additional information, please contact the Housing and Community Development Division of the Department of Planning and Development.

Note that while the Massachusetts Prevailing Wage and Davis Bacon laws are similar, they are not always the same. Also, both laws may apply to a single project (based on the source of funds), so IFBs may include both sets of rates.

Exhibit A: Law Memo E-Signature 5-4-20

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS
CITY HALL
1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MA 02459
TELEPHONE (617) 796-1240
FACSIMILE (617) 796-1254

CITY SOLICITOR
ALISSA O. GIULIANI

DEPUTY CITY SOLICITORS
JEFFREY A. HONG
MARIE M. LAWLOR
ASSISTANT CITY SOLICITORS
MAURA E. O'NEILL
ALAN D. MARTEL
JILL M. MURRAY
JONAH M. TEMPLE
JACLYN E. ZAVADA
JENNIFER C. PUCCI
ANDREW S. LEE
CAROLYN A. WEISSMAN

EXECUTION OF AGREEMENTS – ELECTRONIC SIGNATURE S.O.P. May 8, 2020

Due to the COVID 19 outbreak, many City staff are working remotely and entities that the City conduct business with are no longer physically staffing their offices. As the City currently requires vendors to submit original wet-signature copies of agreements, the reduced physical presence has created issues with the timely processing and execution of City contracts. This document sets forth the standard operating procedure for the electronic execution and transmission of City contracts. The City's continued acceptance of electronic signatures once the City resumes normal operations must be evaluated at that time.

EXECUTION AND TRANSMITTAL OF AGREEMENTS

The City may accept a scanned signature or a signature affixed to the document electronically, e.g. copied onto the document in pdf format. The flow of Contracts and requisite City approval of contracts will remain unchanged. The process may now be handled through email. We are currently evaluating other methods of processing contracts electronically, such as through MUNIS. If it is determined that another method is more efficient, this SOP will be updated accordingly.

SUBJECT LINE: All contracts forwarded for signing must contain the following subject line – "Contract for Execution [ADD CONTRACT NUMBER]"

PURCHASING CONTRACTS (C CONTRACTS)

1. Purchasing will email the contract and all associated documents (e.g. Certificate of Authority, Tax Compliance, Bond form) in pdf format to the vendor.
2. The vendor can electronically execute and complete the contract and associated documents and email the documents to Purchasing.
3. Purchasing will electronically sign the contract and email it to the designated contact of the originating department.

4. The originating department will electronically sign the contract and email it to the comptroller.
5. The comptroller will electronically sign the contract and email it to the law department.
6. The law department will electronically sign the contract and email it to the Mayor's office.
7. Upon final execution by the Mayor, a copy of the fully executed contract will be emailed to purchasing and disbursed.

LAW CONTRACTS (L CONTRACTS)

1. A contract that is on one of the City's standard form agreements or that has been vetted by the law department may be sent by the originating department to the vendor for execution.
2. The vendor can electronically execute and complete the contract and associated documents and email the documents to the originating department.
3. The originating department will electronically sign the contract and email it to the comptroller.
4. The comptroller will electronically sign the contract and email it to the law department.
5. The law department will electronically sign the contract and email it to the Mayor's office.
6. Upon final execution by the Mayor, a copy of the fully executed contract will be emailed to the law department and disbursed.

ELECTRONIC SIGNATURE PROVISION IN AGREEMENTS

The law department recommends setting forth a provision allowing for electronic signatures in all City contracts. The provision should substantially follow this sample provision:

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which, when taken together, shall be deemed to be one and the same agreement. This Agreement may be electronically signed and transmitted, which electronic signature shall be binding on the signing party.

IMPORTANT NOTES: Each City signatory is required to update their actions in the Contract Tracker, as they would for a physical contract. The electronic signing of contracts by the vendor is optional. For C Contracts, if the vendor chooses to submit originals, purchasing will convert the contract and associated documents received from the vendor into pdf format. For L Contracts, if the vendor chooses to submit originals, the originating department will convert the contract and associated documents received from the vendor into pdf format. For both L and C Contracts, once the contract has been converted to pdf format it will follow the process and sequence set forth above for City signatures and approvals.

If you require assistance with setting up an electronic signature, please contact the IT department.

Below are the designated contract contacts for each department. The contract contact is responsible for receiving the contract, obtaining their department's signature, and forwarding the contract to the next department.

Part I ADMINISTRATION OF THE
GOVERNMENT

Title XV REGULATION OF TRADE

Chapter UNIFORM ELECTRONIC
110G TRANSACTIONS

Section ELECTRONIC SIGNATURE;
7 ENFORCEABILITY; SATISFACTION
OF LEGAL REQUIREMENTS

Section 7. (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record satisfies the law.

(d) If a law requires a signature, an electronic signature satisfies the law.

Exhibit B: Quote Summary Sheet

CITY OF NEWTON - QUOTE SUMMARY SHEET

Quote was done by: _____
 REQUISITION #: _____
 DATE: _____

	Company Person	Phone #	QTY	Unit price		Unit price		Unit price
DESCRIPTION OF PRODUCT(S) / SERVICE(S)				\$	-	\$	-	\$
				\$	-	\$	-	\$
				\$	-	\$	-	\$
				\$	-	\$	-	\$
				\$	-	\$	-	\$
All Prices must include delivery and any freight charges				\$	-	\$	-	\$
FOB - DELIVERED				\$	-	\$	-	\$

Award recommended to: _____

Chief Procurement Officer _____ Date _____

Vendor# _____

Department Head _____ DATE _____

Mayor or her designee _____ Date _____

NOTES: _____

Exhibit C: Bid Request Form

**City of Newton
Purchasing Department
BID REQUEST FORM**

Begin using January 1, 2014

- Step 1: Complete the Bid Request Form
 Step 2: Email the Bid Request Form (word format) to Purchasing@newtonma.gov Date: _____
 Step 3: Have Department Head Approve and Date Bid Request Form and send original to Purchasing.
 Step 4: Once Bid Form is approved by the CFO, a Template will be available on Shared Drive for Update and Modification.
 Step 5: Email purchasing@newtonma.gov once Bid Template has been updated.

Project Manager:	Phone Ext.
Architect Name:	
Architect Contact Person:	Phone / Email

PROJECT INFORMATION

ESTIMATED COST	PROJECT TITLE	Brief Description:
Completed Template on Shared Drive (date):	DRAWINGS/PLANS YES or NO # of Pages:	ALTERNATES YES NO How many (list in order of priority):
Total # of pages in Template:	PRE-BID Information Pre-Bid Meeting: YES NO Location of Meeting: MANDATORY (send justification to CPO) YES NO	SPECIAL INSTRUCTIONS:

FUNDING

Chapter 90 Funding: YES NO	Stimulus Money (funded): YES NO	Jan 1 - Dec 31 July 1 - June 30 (circle/highlight one) 12 months (from day of contract execution)	Anticipated Start Date:
CDBG Funding: YES NO	ORG & Account #s:	Options to Renew: 1 - one year term 2 - one year terms	Completion Date:

CONTRACT TERM

Public Works Construction

MASS HIGHWAY PRE-QUALIFICATION FORM (Chapter 90/Highway (please circle one):		YES	NO
PRICE ADJUSTMENT REQUIRED: YES NO If yes, circle each: Gas / Diesel / Portland Cement / Liquid Asphalt / Steel			
TRENCH PERMIT: YES NO			

Public Building Construction

DCAM CERT: YES or NO	FILED SUB BID: YES or NO
CATEGORY OF WORK:	TRADES:

PURCHASING USE ONLY

Old Bid # _____ New Bid # _____ ADV: Central Register / Goods & Services / Tab / OSD	
Wage Rates: NO / YES Bid Bond _____ Payment Bond _____ Performance Bond _____	
Release Date: _____ @ 10:00 a.m. Pre-Bid: _____ @ _____ Opening: _____ @ _____	

Version 7-Jan 2014

Exhibit D: Sole Source Request and Declaration Form

CITY OF NEWTON
PURCHASING DEPARTMENT
SOLE SOURCE REQUEST AND DECLARATION

Department _____

Vendor's Name: _____

Address: _____

Telephone No. _____ Fax No. _____

Email Address: _____

1. Please describe the supply/service and the amount of purchase. (The sole source procurement must be for an amount less than \$50,000 unless it is for library books and school textbooks, educational programs, educational courses, educational curricula in any media including software, newspapers, serials, periodicals, audiovisual materials or software maintenance.)

Amount: _____

Start Date: _____ End Date: _____

2. Please describe your investigation to determine into whether there is another practicable source for this supply/service (attach additional pages if necessary)

3. Please state the reason(s) for your determination that the above vendor is the only practicable source for the supply or service described in Section 1. Your determination must be supported by a letter from the Vendor dated no more than 60 days from this date confirming that it is the sole for the supply or service described in Section 1.

Department Head	Date
-----------------	------

The undersigned, in reliance on the above representations and supporting documentation, finds that the above Vendor is the only practicable source for the above supplies or services, and so hereby authorizes the above described sole source procurement under M. G.L. c.30B, §7(a).

_____ Nicholas Read, Chief Procurement Officer	Date
---	------

Exhibit E-1: Vendor Number Request Form

Dept. _____ Ext. _____ Contact Person _____ Type of Request: <i>Vendor Number Request Form (Rev. 12-6-19)</i>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Vendor Number Requests will be processed as received. If your Request is urgent, please email notice of that fact to purchasing@newtonma.gov. </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> A W-9 form is required from all vendors (except for Agencies) before processing. The W-9 form and any required fee should be emailed to: purchasing@newtonma.gov </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 30px;"></td> <td style="width: 25%; height: 30px;"></td> <td style="width: 25%; height: 30px;"></td> <td style="width: 25%; height: 30px;"></td> </tr> </table>					_____ Vendor Number (please provide vendor number for address change) Name: _____ Address 1: _____ Address 2: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ Email: _____ Website: _____ ACCOUNT PAYABLE ADDRESS: _____ Same as Above _____ Different Address (see Below) _____ Name: _____ Address 1: _____ Address 2: _____ City: _____ State: _____ Zip: _____ Phone: _____ Fax: _____ Additional Names: <i>(i.e., Refunds to individuals where no additional information other than an address is required)</i> Name: _____ Address: _____ City: _____ Name: _____ Address: _____ City: _____ Name: _____ Address: _____ City: _____ Name: _____ Address: _____ City: _____ Name: _____ Address: _____ City: _____

Exhibit E-2: IRS W-9 Form

Form W-9 (Rev. November 2017) Department of the Treasury Internal Revenue Service	<h2 style="margin: 0;">Request for Taxpayer Identification Number and Certification</h2> <p style="margin: 0;">▶ Go to www.irs.gov/FormW9 for instructions and the latest information.</p>	Give Form to the requester. Do not send to the IRS.
Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.	
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate	
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C-C corporation, S-S corporation, P-Partnership) ▶ _____	
	Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.	
	<input type="checkbox"/> Other (see instructions) ▶ _____	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____	(Applies to accounts maintained outside the U.S.)
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	
Part I Taxpayer Identification Number (TIN)		
Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> , later.		
	Social security number	_____ - _____ - _____
	OR Employer identification number	_____ - _____
Note: If the account is in more than one name, see the instructions for line 1. Also see <i>What Name and Number To Give the Requester</i> for guidelines on whose number to enter.		
Part II Certification		
Under penalties of perjury, I certify that:		
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and		
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and		
3. I am a U.S. citizen or other U.S. person (defined below); and		
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.		
Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign this certification, but you must provide your correct TIN. See the instructions for Part II, later.		
Sign Here	Signature of U.S. person ▶	Date ▶
General Instructions		
Section references are to the Internal Revenue Code unless otherwise noted.		
Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9 .		
Purpose of Form		
An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:		
• Form 1099-INT (interest earned or paid)		
• Form 1099-DIV (dividends, including those from stocks or mutual funds)		
• Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)		
• Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)		
• Form 1099-S (proceeds from real estate transactions)		
• Form 1099-K (merchant card and third party network transactions)		
• Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)		
• Form 1099-C (canceled debt)		
• Form 1099-A (acquisition or abandonment of secured property)		
Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.		
If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.		
Cat. No. 10231X		Form W-9 (Rev. 11-2017)

Exhibit F-2: **Comptroller and Purchasing Offices Credit Card Procurement Policy**

CITY OF NEWTON, MASSACHUSETTS COMPTROLLER and PURCHASING OFFICES CREDIT CARD PROCUREMENT POLICY

The municipal finance laws of the Commonwealth of Massachusetts and the ordinances of the City of Newton prescribe standard methods for procuring goods and services necessary for the delivery of City services. These methods are intended to make certain that assets, liabilities, revenues, expenditures, and fund balances of the City are accurately accounted for; that City funds are only used in accordance with the budget, grant awards, trust agreements, and state, federal and local laws; and that goods and services are acquired at the least possible cost to the City, consistent with necessary quality.

Unless otherwise authorized, all goods and services are to be procured through an open and competitive process, under the direction of the City's Chief Procurement Officer and documented with a standard purchase order or contract approved prior to the actual purchase by the Chief Procurement Officer; the Comptroller; and the Mayor or his designee.

In recognition of the fact that there are certain limited situations where operating departments need flexibility for small purchases that cannot be made under the standard procurement system, the Mayor has authorized (2) credit cards for use by the Chief Procurement Officer and the Assistant Purchasing Agent. The only employees and/ or officers of the City of Newton who are authorized to incur financial obligations on behalf of the City with these credit cards are the Chief Procurement Officer and the Assistant Purchasing Agent. By accepting custody of these cards, the Chief Procurement Officer and Assistant Purchasing Agent assume personal responsibility for any unauthorized use of the credit cards.

The Chief Procurement Officer and Assistant Purchasing Agent are to retain custody of the credit cards at all times and may only use them for purchases that have been authorized in writing by a department head of the City, and for purchases that the Comptroller has certified available funds. All financial obligations incurred with one of the credit cards are to be reported to the Comptroller immediately and the Comptroller is to reserve funds for the payment of all such obligations on the City's general ledger immediately upon notification.

Credit card purchases are to be limited to emergencies and to procurements for which the Chief Procurement Officer or Assistant Purchasing Agent have determined that City's standard procurement and/or accounts payable process cannot be used.

Use of a City of Newton credit card is prohibited for any of the following purposes:

- Purchase of meals, alcoholic beverages, tobacco products, or entertainment.
- Purchase of gifts.
- Out-of-state travel expenses.
- Cash advances
- Personal advances or loans.
- Any individual purchase of greater than \$1,000, without the prior concurrence of either the Mayor; Chief Financial Officer; or Chief Operating Officer.

Requests for Credit Card Purchases: All requests for credit card purchases shall be made to the Chief Procurement Officer, with a copy to the Comptroller, in a form approved by the Chief Procurement Officer. All such requests shall contain the following information:

- Identification of goods and/or services to be purchased and the reasons why the goods and services cannot be acquired through the City's standard procurement process.
- Identification of the recommended vendor and the vendor's internet address and telephone number.
- Identification of the estimated cost of the purchase and the general ledger key-organization and account to be charged for the purchase.
- Authorization for the Comptroller, with the approval of the Chief Procurement Officer, to charge the identified general ledger key-organization and account at the point that evidence of the delivery of the goods and services have been received, and the City has been invoiced by the credit card company.

Credit Card Purchases: No credit card purchase shall be executed until such time as the Chief Procurement Officer has received confirmation from the Comptroller that funds are available for the purchase and the key-organization and account identified by the requesting department is appropriate for the requested purchase. As soon as this confirmation is received and the purchase is executed, the Chief Procurement Officer or Assistant Purchasing Agent shall confirm the purchase with the requesting department and the Comptroller. The Comptroller shall then record a formal encumbrance against the general ledger key-organization and account for the liability associated with the purchase.

Credit Card Purchase Receiving Report: As soon as the requesting department takes delivery or receives the goods and/or services acquired through the credit card purchase, the Chief Procurement Officer and Comptroller shall be notified and provided with a written receiving report for the purchased goods and/or services. The receiving report shall contain the signature of the employee who actually confirmed receipt of the purchased goods and/or services and shall serve as documentation for payment of credit card charges for the goods and/or services.

Credit Card Payments: An original invoice for all credit card purchases shall be forwarded to both the Chief Procurement Officer and Comptroller by the credit card issuer on a monthly basis. After verifying that all charges on the credit card invoice are correct and that the requesting department has confirmed the receipt of all related goods and services, the Chief Procurement Officer will promptly authorize payment to the credit card issuer through the City's standard accounts payable process. All credit card payments will reference the encumbrance recorded by the Comptroller at the time that the credit card purchase took place and may not exceed the amount reported at that time, without the prior approval of the requesting department and Comptroller.

Credit Card Purchase Reporting: The Chief Procurement Officer and Comptroller shall make an annual report to the City's Chief Financial Officer and Finance Committee of the Board of Aldermen not later than January 15 of each year, summarizing the dollar amount of credit card purchases and the nature of all such purchases, by department. The report shall include reference to any material control issues encountered in connection with the credit card program.

Exhibit G: Request For Emergency Procurement

EXHIBIT G

EMERGENCY PROCUREMENT DATA SHEET M.G.L. c.30B, §8

(Sample)

Contractor's or supplier's name:	
1. Amount and the type of each contract	
2. Supply or service procured:	
3. Justification for the need for an emergency procurement.	Due to the heavy snows of late January and February 2015, the amount of snow on City streets and sidewalks poses hazards to drivers and pedestrians on account of poor visibility and the necessity of walking in City streets. [Describe problem and solution.] The time required to procure [Describe supply or service.] in full compliance with Chapter 30B would endanger the health or safety of people or their property on the roads and sidewalks of the City of Newton. The City will use sound business practices to obtain prices. The Purchasing Department is instructed to submit a notice of these emergency procurements as soon as practicable to the <i>Goods and Services Bulletin</i> .

Commissioner
Department of Public Works
City of Newton

February 13, 2015

Exhibit H: **Index to Purchasing Newsletter** (*Nick's Notes*)

Additional information on the topics covered in these Procedures may be available in *Nick's Notes*, the Purchasing Department's monthly newsletter. This Index is provided for your convenience.

Alternates	4/15, 4/17
Area Councils	11/20
Bid Lists	4/14
Bid Protests	2/18, 11/18
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COVID	3/20, 10/20
Credit Card	11/13, 9/14, 8/16, 8/18, 9/19
DCAMM Certification	4/14, 5/14
Disadvantaged Vendors	2/21
Documentation	6/14, 10/15, 1/18
Emergencies	2/15
Energy	6/15, 6/17, 10/18
Exempt Contracts	8/14, 3/16, 12/18,9/20
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IFBs Versus RFPs	9/14
Late Bid	12/13
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